

REMARKS

Reconsideration and allowance of this application is requested in view of the following discussion.

Claims 1, 6 and 8 have been rejected under 35 USC 103 as unpatentable over Sakumoto (US 6,449,583) in view of Sham et al (US 5661398) and claims 2 and 5 are rejected over the above references and further in view of Sham (US 5,891,042) while claims 3, 4 and 7 are rejected over Sakumoto '583 in view of Sham '398 and Kuehn (US 4,037,328).

Applicants traverse these rejections on the grounds that each of independent claims 1 and 8 recite structure not shown or disclosed by the references or their combination. The monitoring device of the present invention requires the combination of a lap sensing device to provide a first signal and a movement sensor to provide a second signal as well as a synchronized signal resulting from the first and second signal wherein the synchronized signal provides, among other things, a distance traveled by the user in addition to the number of laps completed.

Sakumoto '583 employs two embodiments. The first embodiment of Figures 1-11 uses a manual lap counter and a time measurement to determine distance measurement. The measurement section 102 only measures time Col 4, line 22. The second embodiment of Figures 12-18 uses GPS to measure distance

with no indication as to lap counting except that "control section 105 then displays, on the display section 104, a set of data for this batch of measurement including the average speed, the total covered distance as the sum of the measured distance, the number of laps, the date and the total time".

Therefore with reference to embodiment 1, there is no measure of distance based on an output of a sensor responsive to movement. There is a lap counter and a time measurement. Even if the automatic lap counter of Sham were employed there would be no combination providing a synchronized signal in response to a first signal from a lap sensor and in response to a second signal from a movement sensor. As a result no distance is measured except the number of laps completed. In the second embodiment of Sakumoto there is a GPS signal for distance which provides a total covered distance as the sum of the measured distance. Thus the second embodiment does not provide the total distance based on the combination of a lap sensing device to provide a first signal and a movement sensor to provide a second signal with a synchronized signal resulting from the first and second signal. This is true whether or not an automatic lap counter is employed .

Therefore even if, for purposes of argument, an automatic lap counter was employed in either embodiment of Sakumote, the presently claimed invention of independent claims 1 and 8 would not result. Dependant claims 2-5 limit the movement sensor to various devices and incorporate the limitations of claim 1.

Serial No. 10/622,770
Reply to Office Action Mailed: March 22, 2006
Attorney Docket No. 029014.44732C1

In response to the object to the error concerning the serial no. of the parent application, Applicants are submitting herewith an Application Data Sheet correcting the error.

If there are any questions regarding this amendment or the application in general, a telephone call to the undersigned would be appreciated since this should expedite the prosecution of the application for all concerned.

If necessary to effect a timely response, this paper should be considered as a petition for an Extension of Time sufficient to effect a timely response, and please charge any deficiency in fees or credit any overpayments to Deposit Account No. 05-1323 (Docket #029014.44732C1).

Respectfully submitted,

Date: June 22, 2006



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